

#9
P3
4/17/03
****PLEASE DELIVER TO EXAMINER REDMAN IMMEDIATELY****

IN THE UNITED STATES PATENT OFFICE

Application Serial No. 09/740,965

Our Ref.: PT-1673004

CUSTOMER NO. 23607

Filing Date: March 5, 1998

Applicants: John Robert Davies
Sean Davies
Sinnathamby KupenthirarajanAgent: Neil H. Hughes
Ivor M. Hughes
Barrister & Solicitor
Patent & Trademark Agents
Suite 200
175 Commerce Valley Dr. W.
Thornhill, Ontario
Canada, L3T 7P6

Title: RETRACTABLE SCREEN SYSTEM AND IMPROVEMENTS THEREFOR

Examiner: Jerry E. Redman

Group Art Unit: 3634

Due Date: April 18, 2003

No. of Pages including this sheet: 6

DELIVERED TO FACSIMILE NO. (703) 305-7687

OFFICIAL

April 10, 2003

The Commissioner of Patents
UNITED STATES PATENT OFFICE
2011 South Clark Place
Crystal Plaza 2, Room 1B03
Arlington, Virginia 22202 U.S.A.**FAX RECEIVED**

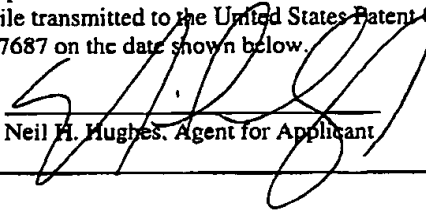
APR 14 2003

GROUP 3600

Dear Examiner Redman:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper:

1) Proposed Response
is being facsimile transmitted to the United States Patent Office Facsimile
No. (703) 305-7687 on the date shown below.Signature: 
Neil H. Hughes, Agent for Applicant

Date: April 10, 2003

FOR EXAMINER'S CONSIDERATION AND APPROVAL
PLEASE DELIVER TO EXAMINER REDMAN IMMEDIATELY

IN THE UNITED STATES PATENT OFFICE

Application Serial No. 09/740,965

Our Ref.: PT-1673004

CUSTOMER NO. 23607

Filing Date: March 5, 1998

Applicants: John Robert Davies
Sean Davies
Sinnathamby Kupenthirarajan

Agent: Neil H. Hughes
Ivor M. Hughes
Barrister & Solicitor
Patent & Trademark Agents
Suite 200
175 Commerce Valley Dr. W.
Thornhill, Ontario
Canada, L3T 7P6

Title: RETRACTABLE SCREEN SYSTEM AND
IMPROVEMENTS THEREFOR

Examiner: Jerry E. Redman

Group Art Unit: 3634

Due Date: April 18, 2003

PROPOSED RESPONSE TO EXAMINER'S ACTION
DATED OCTOBER 18, 2002

NOT TO BE ENTERED
FOR EXAMINER'S APPROVAL ONLY

April 10, 2003

VIA FACSIMILE: (703) 305-7687

The Commissioner of Patents
UNITED STATES PATENT OFFICE
2011 South Clark Place
Crystal Plaza 2, Room 1B03
Arlington, Virginia U.S.A. 22202

Dear Sir:

Further to the telephone conversation with Examiner Redman on February 24, 2003 and April 10, 2003, it was agreed to that Applicant's Agent would prepare a

Page 2

**PROPOSED RESPONSE - NOT TO BE ENTERED
FOR EXAMINER'S APPROVAL ONLY**

Proposed Response to the Examiner's Final Action dated October 18, 2002 to be reviewed and approved by the Examiner.

The Examiner had indicated that he would consider language such as that now contained in amended claim 1, to identify over the prior art.

IN THE DRAWINGS

The Examiner has stated that the drawings do not illustrate the features of claims 2 and 10. Applicant respectfully disagrees. Clearly elements 41 and 42 of Figures 37, 38, 44 and 45 by way of example clearly indicate that the guides are providing with the sill and header portions. Those skilled in the art would clearly understand this feature, for both guides (in claim 2) and grooves (in claim 10). The Examiner is referred to elements 41 and 42 which carries the extension portion of the handle.

IN THE ABSTRACT

No changes.

IN THE DISCLOSURE

No changes.

IN THE CLAIMS

Please amend the following claims.

Page 3

**PROPOSED RESPONSE - NOT TO BE ENTERED
FOR EXAMINER'S APPROVAL ONLY**

1. A window assembly comprising a jamb having an interior and a retractable screen disposed with a screen cassette contained within a jamb pocket portion [of a] integral with the jamb of the assembly, said jamb and said jamb pocket portion being manufactured as an integral unit when the window assembly is formed, said jamb pocket portion being defined by three sides of the interior of said jamb, the screen accumulating on and paying out from a spring biased roll provided with said cassette disposed within said jamb pocket portion[, the screen being retractable for egress or cleaning purposes, and available as desired].

2. The window assembly of claim 1 further comprising sill and header portions wherein said retractable screen is guided in guides provided with said sill and header[,] portions of the window assembly which allows for the manufacture of heavier screens in larger sections.

10. The window assembly of claim 2 further comprising grooves disposed adjacent [to] the header and sill [framing sections] portions to receive an extension portion of a handle of the retractable screen [cassette assembly] also engaged with keyed edges of the screen and at the same time engaging the grooves to maintain the parallelism of top and bottom portions of the handle when in motion as the screen is payed out and accumulated [on the screen roller contained with] in the jamb pocket provided in the [frame] jamb.

REMARKS

Claims 1, 2, and 10 now stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

Page 4

**PROPOSED RESPONSE - NOT TO BE ENTERED
FOR EXAMINER'S APPROVAL ONLY**

subject matter which applicant regards as the invention. Applicant in their amendments have addressed every point raised by the Examiner.

Claims 1, 2 and 10 now stand rejected under 35 U.S.C. 102(b) as being anticipated by Johnston. Johnston discloses a "door closure for a door" having a pair of jambs (12 and 13), and a separate (separately manufactured and not integral) retractable spring biased screen assembly 16 (installed on jamb) comprising a screen (11) and a housing 17 and a veil of closure material 18. The screen is guided within guides to and from said housing 17.

Applicant however has provided a window assembly including an integral jamb and jamb pocket as defined in the amended claim 1 as follows:

1. A window assembly comprising a jamb having an interior and a retractable screen disposed with a screen cassette contained within a jamb pocket portion integral with the jamb of the assembly, said jamb and said jamb pocket portion being manufactured as an integral unit when the window assembly is formed, said jamb pocket portion being defined by three sides of the interior of said jamb, the screen accumulating on and paying out from a spring biased roll provided with said cassette disposed within said jamb pocket portion.

Johnson does not contain the limitations as provided in the above mentioned claim. The screen structure is an after market product for a door assembly, and the housing 17 is not formed when the jamb 12 is formed.

Page 5

**PROPOSED RESPONSE - NOT TO BE ENTERED
FOR EXAMINER'S APPROVAL ONLY**

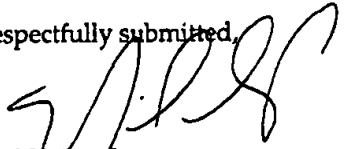
It is axiomatic for a reference to anticipate that it must meet every limitation of the claims. This is clearly not the case.

Nor would Johnson render obvious claim 1 in that one skilled in the art would not be motivated directly or indirectly to arrive at Applicant's invention identified in claim 1 from a fair reading of Johnson. Full reconsideration is respectfully requested.

It would be appreciated if the Examiner would kindly respond to this proposal by April 15, 2003 in order for a formal response to be filed and entered.

If the Examiner has any questions, the Examiner is respectfully requested to contact Neil H. Hughes at (905) 771-6414 at his convenience.

Respectfully submitted,



Neil H. Hughes
Agent for the Applicants
Registration No. 33,636

NHH:mse